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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DEREK SYLVESTER,

11 Petitioner,

No. CIV-S-03-1301 GEB KJM P

12 vs.

13 SCOTT P. RAWERS, et al.,

14 Respondents.

ORDER

15 _____/

16 This matter came on for status conference on July 11, 2007. Assistant Federal
17 Defender Ann McClintock appeared for petitioner. Deputy Attorney General Justain Riley
18 appeared for respondents. In light of those proceedings, and good cause appearing, IT IS
19 HEREBY ORDERED that:

20 1. Within fourteen days, petitioner shall submit a brief addressing whether the
21 court should hold an evidentiary hearing on the question of whether the prosecution promised
22 petitioner "50% time" as part of the plea agreement petitioner accepted;

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1 2. Respondent shall file a response within fourteen days of service of petitioner's
2 brief;

3 3. Petitioner may file a reply within seven days of service of the response; and

4 4. An evidentiary hearing is scheduled for September 10, 2007 at 10:00 a.m.
5 before the undersigned. The evidentiary hearing will be vacated if it is determined after briefing
6 that there is no cause for an evidentiary hearing.

7 DATED: July 13, 2007.

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9 
10 U.S. MAGISTRATE JUDGE

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